

**STATE COMMITTEE OF EXAMINERS IN THE
FITTING AND DISPENSING OF HEARING INSTRUMENTS
COMPLAINTS SUBCOMMITTEE MEETING**

**Thursday, May 15, 2008 12:30 p.m.
Department of State Health Services
Exchange Building, Room S-402
8407 Wall Street
Austin, Texas 78754**

MINUTES

Members Present:

Rosemary Geraci, Professional Member
Audrey McDonald, Public Member
Sara Garza, Public Member
Richard Davila II, Professional Member

Staff Present:

David Richards
Joyce Parsons
Stephen Mills
Jose Paiz
Georgia Norman

Agenda item 1 was the call to order by Ms. Geraci at 12:30 p.m.

Agenda item 2 was introduction of guests. There were no guests.

Agenda item 3 was to review and approve subcommittee report of the meeting held February 7, 2008. A motion to approve the minutes was made by Ms. McDonald, was seconded, and passed. Mr. Davila abstained.

Agenda item 4 was discussion and possible action to consider pending complaints requiring subcommittee review.

1066-08-0011 Mr. Davila made a motion to open a complaint against the supervisor under 22 TAC §141.16(c)(10). The motion was seconded and passed unanimously. Mr. Davila then made a motion to assess the respondent a \$250 administrative penalty for failure to produce requested documents to the committee in accordance with 22 TAC §141.4(d) and Occupations Code §402.501. The motion was seconded and passed unanimously.

1066-08-0016 Ms. Garza made a motion to recommend a refund to the client and propose an administrative penalty of \$250 for failure to produce requested documents to the committee in accordance with 22 TAC §141.4(d) and Occupations Code §402.501. The motion was seconded and passed unanimously.

1066-08-0017 Mr. Davila made a motion to propose an administrative penalty of \$250 for violations of Occupations Code, §402.501(5),(6),(8),(9), and (16). The motion was seconded and passed unanimously.

Agenda item 5 was discussion and possible action concerning staff report of open complaints. Ms. Parsons reported 14 open complaints. No action was taken.

Agenda item 6 was announcements and subcommittee member(s) comments not requiring subcommittee action. Mr. Davila made comments regarding contract requirements.

The meeting was adjourned at 1:45 p.m.

Approved:

Subcommittee Chair

Date

**STATE COMMITTEE OF EXAMINERS IN THE
FITTING AND DISPENSING OF HEARING INSTRUMENTS
APPLICATIONS SUBCOMMITTEE MEETING**

**Thursday, May 15, 2008
Department of State Health Services
Exchange Building, Room S-402
8407 Wall Street
Austin, Texas 78754**

Minutes

Members Present:

Rosemary Geraci, Professional Member
Audrey McDonald, Public Member
Sara Garza, Public Member
Richard Davila II, Professional Member
Ronald Ensweiler, Professional Member
Kenneth Haesly, Professional Member
Jerome Kosoy, M.D., Professional Member
Kenneth Earl, Professional Member
Melissa Rodriguez, Professional Member

Staff Present:

David Richards
Joyce Parsons
Stephen Mills
Jose Paiz
Georgia Norman

Guests Present:

Debra Davila
Joseph Geraci
Jennifer Riggs
Roger Caldwell
Daryl Cox
Jim Carlson
Joel Cmiel

Agenda item 1 was call to order of the meeting at 5:04 p.m. All members of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments were present at the Applications Subcommittee meeting, which was held jointly with the regularly scheduled meeting of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.

Agenda item 2 was the introduction of guests.

Agenda item 3 was an announcement given by the Committee President to the applicants who were present regarding the opportunity to discuss their application at this meeting. The committee chair announced that neither the committee nor the subcommittee will act on the applications today and that the committee would meet in two

weeks to review applications. Several reciprocity applicants addressed the committee and the subcommittee.

Agenda item 4 was review and approval of the subcommittee previous minutes. Ms. Rodriguez made a motion to approve the meeting minutes. The motion was seconded and passed.

Agenda item 5 was discussion and possible action regarding reciprocity application of Nasrin Barati-Zadeh. This application was tabled until the next scheduled meeting.

Agenda item 6 was discussion and possible action regarding reciprocity application of Roger A. Caldwell. This application was tabled until the next scheduled meeting.

Agenda item 7 was discussion and possible action regarding reciprocity application of James A. Carlson. This application was tabled until the next scheduled meeting.

Agenda item 8 was discussion and possible action regarding reciprocity application of Joel Cmiel. This application was tabled until the next scheduled meeting.

Agenda item 9 was discussion and possible action regarding reciprocity application of Daryl Cox. This application was tabled until the next scheduled meeting.

Agenda item 10 was discussion and possible action regarding reciprocity application of Stephen R. Flanagan. This application was tabled until the next scheduled meeting.

Agenda item 11 was discussion and possible action regarding reciprocity application of Juliana Taylor. This application was tabled until the next scheduled meeting.

Agenda item 12 was discussion and possible action regarding reciprocity application of Vincent J. Yero. This application was tabled until the next scheduled meeting.

Agenda item 13 was discussion and possible action regarding the application form and the application process for reciprocity. Ms. Rodriguez made a "dual motion" to close both full and subcommittee meetings. The motion was seconded and passed.

Agenda item 14 was regarding any announcements and subcommittee member(s) comments not requiring subcommittee action. No announcements were made.

Agenda item 15 was adjournment of the meeting at 5:19 p.m.

Approved:

Subcommittee Chair

Date

**STATE COMMITTEE OF EXAMINERS IN THE
FITTING AND DISPENSING OF HEARING INSTRUMENTS
REGULAR MEETING**

**Thursday, May 15, 2008 1:30 p.m.
Department of State Health Services
Exchange Building, Room S-402
8407 Wall Street
Austin, Texas 78754**

MINUTES

Members Present:

Rosemary Geraci, Professional Member
Audrey McDonald, Public Member
Sara Garza, Public Member
Richard Davila II, Professional Member
Ronald Ensweiler, Professional Member
Kenneth Haesly, Professional Member
Jerome Kosoy, M.D., Professional Member
Kenneth Earl, Professional Member
Melissa Rodriguez, Professional Member

Staff Present:

David Richards
Joyce Parsons
Stephen Mills
Jose Paiz
Georgia Norman

Agenda item 1 was the call to order by Mr. Ensweiler at 1:58 p.m.

Agenda item 2 was introduction of members, staff, and guests.

Agenda item 3 was public comment. No comments were given.

Agenda item 4 was review and approval of minutes from committee meeting held February 7, 2008. A motion was made by Dr. Kosoy to approve the minutes as written. The motion was seconded and passed. Mr. Davila abstained.

Agenda item 5 was discussion and possible action concerning the subcommittee reports of meetings held May 15, 2008. Ms. Geraci reported that the Complaints Subcommittee reviewed three complaints and proposed administrative penalties for each case. Dr. Kosoy made a motion to accept the report. The motion was seconded and passed.

Agenda item 6 was discussion and possible action concerning the use of the term "Board Certified – Hearing Instrument Sciences" (BC-HIS). Mr. Mills presented general information to the committee regarding the agenda item. Mr. Davila made a motion that a person licensed as a fitter and dispenser of hearing instruments under Texas Occupations Code, Chapter 402 may use the title "hearing instrument specialist" and a licensed person using the

term does not do so falsely. The motion was seconded and passed.

Agenda item 7 was discussion and possible action regarding the committee presentation at the Texas Hearing Aid Association (THAA) Annual Conference, June 26-28, 2008. It was decided that Ms. Rodriguez will coordinate the committee's presentation for the THAA conference.

Agenda item 8 was a presentation by Committee Attorney David Richards relating to reciprocity. In accordance with Government Code 551, the committee went into executive session at 2:40 p.m. to discuss pending and contemplated litigation. The committee returned to open session at 3:57 p.m. and subsequently recessed. In accordance with Government Code 551, the committee returned to executive session at 4:15 p.m. to discuss pending and contemplated litigation. The committee returned to open session at 4:38 p.m.

Agenda item 9 was discussion and possible action regarding the committee's analysis and decision-making regarding applications for licensure by reciprocity. A recommendation was made for the committee to meet again in 10 days to review reciprocity applications. Mr. Haesly made a motion that the committee will meet in the future to discuss and implement rulemaking as it applies to reciprocity. The motion was seconded and passed with opposition. The next meeting will be held May 28, 2008 at 11 a.m.

Agenda item 10 was discussion and possible action regarding the reciprocity application of Rachel Lingnau. The application was tabled and set to be rescheduled for the next meeting.

Agenda item 11 was the Committee Chair report. No report was given.

Agenda item 12 was the Executive Director report. Ms. Parsons reported there are currently 424 licensed fitters and dispensers, 54 apprentice permit holders, and 80 temporary training permit holders.

Agenda item 13 was the management report from the Professional Licensing and Certification (PLC) Unit, Texas Department of State Health Services. Ms. Bourland reported on current events with PLC.

Agenda item 14 was announcements and committee member comments not requiring committee action. No announcements or comments were made.

Agenda item 15 was adjournment at 5:19 p.m.

Approved:

Committee President

Date